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TWENTY YEARS OF THE 'POLICE REFORMS' JUDGEMENT

A Dialogue with Prakash Singh

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One of India's most significant Supreme Court judgements, *Prakash Singh and Ors vs Union of India and Ors*, has completed 20 years on 22 September.[1] It is also called the 'police reforms case', because it was meant to change the rulers' police into a citizens' police. The landmark verdict was the first substantive departure from the archaic policing systems based on the colonial Police Act of 1861.[2] And yet, two decades later, it is remembered not for the transformation it promised, but for non-compliance in its execution by successive governments at the Centre and the states. The 20-year milestone is a reminder of the momentous mandate and the unfinished work yet to be done (Mudgal, 2021).

The Public Interest Litigation (PIL) was filed in 1996 by Prakash Singh, a former Director General of Police (DGP) of Uttar Pradesh (UP) and Assam, as well as a former Director General of the Border Security Force (BSF), along with co-petitioners, fellow Indian Police Service (IPS) officer, N. K. Singh and civil society watchdog, Common Cause. Both the PIL and the Supreme Court's verdict make for stimulating reading. The PIL features ground realities and the findings of successive committees and police commissions, and the verdict is filled with facts, reasoning and legal rationale. Advocate Prashant Bhushan and his team made a series of submissions at numerous hearings spanning a decade and continue to pursue it, as part of the case is still ongoing.

The Supreme Court order built a modicum of transparency and accountability in the appointments, tenures and postings of police officers and provided them some degree of functional

autonomy. Some states have partly implemented the judgement, albeit with riders and loopholes. However, political interference in the day-to-day functioning of the police and the harassment of subordinates, still called 'inferior officers' in many states, are common across India. Their postings, transfers and promotions continue to be opaque.

The verdict has addressed many systemic problems. It is believed that its full implementation will solve many of the problems of policing in India and work as a building block for further reforms. The Supreme Court issued seven explicit directives for the Union Government and state governments to take specific actions and set up the following institutions, summarised below:

1. State Security Commissions (SSCs) with the Leader of Opposition, judges and independent members to ensure independent functioning of the state police, without undue political pressure or influence.
2. The DGP must be one of the three senior-most officers and should have a minimum tenure of two years.
3. Minimum tenure of two years for other officers on operational duties.
4. A separate wing for investigation of cases.
5. Police Establishment Board (PEB) for all transfers, postings, promotions and service matters up to the Deputy Superintendent of Police (Dy SP) rank, and to hear their appeals.
6. Police Complaints Authority (PCA) at the state and district levels to hear complaints of police misconduct against officers up to the rank of Dy SP.
7. National Security Commission (NSC) for the selection and postings of heads of the Central Police Organisations (CPOs) and to review their effectiveness.[3]

The judgement was a huge victory for all those who had striven for police reforms in India and for Prakash Singh, who single-handedly fought the case and is still pursuing its implementation. For the record, 20 years after the speaking order, many states are

still submitting rejoinders seeking relaxation in the appointments of DGPs. On 19 May 2026, all the states which had not filed their compliance affidavits were directed to do so at the earliest.

As of today, almost all states are guilty of contempt of court for evading the directives. Some are guilty of absolute non-compliance while others have violated the spirit through legislative loopholes or wilful inaction. Prakash Singh later filed a contempt petition to get the order implemented, but—two decades later—it is still being heard. Now, at 90, and three decades after retirement, he is frustrated but not despondent.

Prakash Singh spoke with me about a range of issues affecting policing in India and his fight that continues, on 21 July 2026. 'We cannot lose hope. The flame of police reforms must be kept burning,' he said. What follows are excerpts of the dialogue:

V. M. *We are having this dialogue in 2026, when the police reforms judgement completes 20 years. Two decades is a long time for anything, even for a human life. Let us start from the beginning. How did you begin and did the judgement meet your expectations?*

P. S. At the end of my service, I felt that there was something basically wrong with the police. Even when you were working conscientiously and trying to uphold the rule of law, you find yourself on the wrong side of politicians. It was a painful experience which I endured not once but thrice. For instance, while in service, I advocated for the Commissionerate system. As Secretary of the IPS Association UP, I was at the forefront, and we managed to get an assurance from Chief Minister Ram Naresh Yadav in 1978. A police officer was also designated as a Commissioner in Kanpur. But the proposal was later shot down. So, you can't depend even on the CM's assurance because the bureaucracy is so strong. After knocking on all doors without success, I felt that only the judicial door remained. And so, after retirement, I did just that. I studied the National Police Commission report and the other reports all over again. Someone advised me to meet the lawyer Prashant Bhushan, who initially seemed unwilling to plead for the police. But eventually, I convinced him that the fault is not that of the police but lies with the system, which has to be changed. Finally, we drafted a petition and filed it in 1996. He also suggested some well-known

co-petitioners, so I approached H. D. Shourie of Common Cause, who was kind enough to join. I also got N. K. Singh, another former IPS officer, to be a co-petitioner. He was later associated with the Samata Party. Honestly, I could never imagine that this would drag on for 30 years.

V. M. *In the wake of the Nirbhaya case in 2012, the Justice J. S. Verma Committee linked the security of women with police reforms. So, let us begin with the positive side first. Did you want anything more from the judgement, or was it satisfactory?*

P. S. In fact, we got more than what we wanted. The Chief Justice suggested: 'Why a two-year tenure only for the DGP? Why not for the Station House Officer (SHO) as well?'. Subsequently, I modified the petition asking for a two-year tenure for all officers on operational duty. In fact, Justice Verma was keen that a judgement come during his tenure, which could not happen because every state's affidavit had to be taken into account.

V. M. *Let us come to the specifics. How would the SSC or the PEB or the other recommendations work? Are they actually viable?*

P. S. I derived the concept from the National Police Commission, of a body comprising 50 per cent representatives of the government and 50 per cent from civil society, whose integrity is unimpeachable and whose voice is heard and respected. It was meant to be a shock absorber; the SSC will ensure that the police does not transgress the limits of law, while also ensuring that the government does not interfere in its day-to-day functioning.

V. M. *Is that why you suggested the name of the Leader of the Opposition?*

P. S. Yes, that is why the presence of the judges and the Leader of the Opposition were suggested, as well as representatives from civil society and institutions like the human rights commissions. In fact, there were three models, one each suggested by the National Human Rights Commission (NHRC), former IPS officer Julio Ribeiro, and the (Soli) Sorabjee Committee. We said, please accept any of these models, which had suggested the names of the Chief Minister, Chief Secretary or Home Secretary, judges, and members of NHRC, among others.

There was a vision behind the fixed tenure for the DGP and other operational positions. A DGP is often removed from the post by the Chief Minister at short notice. I have had that painful experience. A DGP should take a long-term view of policing in the state, so he should not be removed tomorrow if the political bosses are unhappy. Now, under normal circumstances, he will be there for two years.

V. M. *The Police Commissioner of Delhi has been replaced twice between August 2025 and July 2026. Is that fair or unfair in your view?*

P. S. It is definitely unfair. But there is a snag here. When such a thing had happened the last time, Prashant Bhushan had moved a PIL. The government claimed that these orders do not apply to Delhi's Police Commissioner as he is answerable to the Home Ministry. But I would say, in spirit, it applies to any police chief, and they are just playing with words. It was a legalistic argument. The Delhi High Court, perhaps, upheld this view, but the Supreme Court declared, now that the Commissioner has been appointed, we have nothing to say.

V. M. *The same can be said about the tenures of the SHO and other operational positions. Can anyone be removed by the DGP on 'public demand', claiming that law and order is breaking down?*

P. S. Two years should apply in normal circumstances, so the fixed tenure should not become a fiefdom. The incumbents can become arbitrary or dictatorial or start taking money. A cast-iron formula may create chaos. They can be removed if there are charges of corruption or violations of rules of service conduct.

V. M. *What about the separate wing for investigation?*

P. S. A sub-inspector can be doing law and order work along with investigation. The result is that in metros or big cities like Delhi, Mumbai, Lucknow or Chennai, all resources are pumped in during emergencies or riots. Everything else, including investigation, takes a backseat. But in big cities, there are law and order problems almost every day. And there is a temptation to withdraw staff from the investigation. That is why we need separate staff dedicated to investigation and law and order duties.

V. M. *Let me come to transfers, promotions and postings. In Mumbai in 2021, an Assistant Police Inspector, who had been suspended for 16 years, was reinstated. Soon after, he was found to have planted a bomb in front of an industrialist's house, and he was allegedly involved in a murder. He was finally dismissed again and arrested.*[4] *So, what purpose does a PEB serve if postings and reinstatements can be done arbitrarily?*

P. S.: The PEB was set up to give autonomy to the police in personnel matters, postings and transfers up to the rank of Dy SPs. And for the posts of Superintendent of Police (SP) and above, the board's recommendations will be given due weightage by the state government. The idea was that at the senior level, the state government and the bureaucracy will have the final say. Unlike the SSC, which is an apex body that deals with policy matters, the PEB is in-house.

V. M. *The PCA at the state and district level was also an important directive which is not fully implemented. But will it help if uniformed officers are allowed to sit on the PCA?*

P. S. At the district level, the PCA is to be headed by a retired judge and at the state level by a retired judge of the High Court or Supreme Court. The head of the PCA is to be assisted by two to three other people who could come from civil society. The judges will be the presiding officers, assisted by police officers. The uniformed officers should not sit there as members of the Commission.

V. M. *Has the NSC worked?*

P. S. Nobody has bothered about it because this was mandated to decide the posting of CAPF (Central Armed Police Force) officers with a two-year tenure. The central government raised many points regarding the NSC. So, we did not press the matter and are focussing on the six directives to be addressed by the state governments. The idea of the NSC was to avoid confusion about deployment. We often see that BSF or the CRPF (Central Reserve Police Force) are sent to places where they should not be deployed. The NSC was to ensure that forces were utilised for the purposes for which they were set up.

V. M. *I believe the judgement should be treated more as a building block rather than as an end in itself. But it has been criticised by many. A retired and well-respected DGP once said to me, 'I hope you are not confusing the Prakash Singh judgement with police reforms'. How would you react to that?*

P. S. Police reforms have a wide canvas. The 'Prakash Singh judgement' covers the heart of the matter. If you have a patient, you address his heart problem first, while muscle building can happen later. I can also write 50–60 more points that need to be reformed.

V. M. *Another major criticism is that the judgement works more on reducing political pressure on the police leadership and less on building accountability of the police force. Is that a fair criticism?*

P. S. Accountability is definitely there. Now, the PCA holds policemen accountable for their acts of grave misconduct. The issue has been clarified that the PCAs will not take up routine matters. They will only take up instances of grave misconduct, which has been defined as acquiring property unfairly, depriving somebody of his or her property, or committing certain acts of misconduct, like criminal acts. It will ensure better accountability, which suffers when you are always carrying out the directives of the government. Take the July 2026 case of police action on student protesters and supporters of the Cockroach Janata Party (CJP), in which the government did not want them to move towards the Parliament. The Commissioner of Police, Delhi, is appointed by the Home Ministry, whose orders he has to carry out. In another similar case, the protesters may want to march towards a State Assembly. Now, the Commissioner can say that the authorities will permit only, say, about 10,000 people to assemble and march in a procession, but they should not disrupt the functioning of the House. The Commissioner has to assess the situation, understand its gravity and then issue suitable directions. The protesters can present their memorandum to the Chief Minister or any person in authority. Of course, the Commissioner will also be influenced by the state government. How much influence she or he is prepared to absorb will depend on their character and moral fibre. I took a stand in UP, therefore, I was thrown out [laughs]. I took a stand in Assam, and they

made it clear that they don't want my services. I said, 'All right, give it in writing, and relieve me'.

V. M. *At the students' protests in Delhi in July 2026, we saw videos of police officers in plain clothes attacking people with lathis, hitting them on the head. What kind of standard crowd control procedure should apply there?*

P. S. That was totally against the drill of a professional lathi charge. You can't hit a protester anywhere you like. Now, they make a mockery of a lathi charge, and it has degenerated into wielding the lathi in whatever manner you want. There should never be the need to hit anyone on the head; it is very unprofessional. I can only regret that this kind of thing happened. They are our children; why are they being hit like that? There has to be a way of dispersing them without breaking their hands and legs.

V. M. *I also think that the instances of extrajudicial actions have increased. Houses are being razed by the police, without a court order in many places, and in many states. Also, fake encounters are increasing rather than decreasing. What can be done about that?*

P. S. I am totally against fake encounters. I can say that during my tenure, in Punjab or elsewhere, this was never permitted and this is one of the things in which I take pride. You see, Punjab's fake encounters still haunt us. But we had terrorism in the Terai area of UP, in which many districts inhabited by Sikhs were affected. When I took charge as DGP, I was told, this is your problem number one. We sorted it out in a year and a half without any false encounters and with no legacy of bitterness. The operations were clean; to this day, nobody talks about false encounters there because they were all genuine encounters.

V. M. *We have seen the public supporting fake encounters, particularly in evocative cases, like the rape of a young woman in Hyderabad, after which the police picked up some people and shot them in cold blood. We saw politicians and the public garlanding the cops.*[5] *Why does that happen?*

P. S. It is indicative of the people's total lack of faith in the criminal justice system. People feel that these cases will drag on for 20–30 years and witnesses will be won over or bribed.

Justice delayed is justice denied. In that process, instant justice becomes a 'beastly desire' of the people. Cases are piling up in the courts, and all pending cases would need more than 30 years to adjudicate. But our judges need an annual summer vacation. This erodes faith in the judiciary. People want instant justice, this kind of popular pressure influences politicians, who influence the police and the latter ends up carrying the load of society's sins.

V. M. *You have worked in Punjab, Kashmir, the Northeast and UP. Let us start with Punjab, where a lot of young people disappeared; a lot of actions were questionable, but at the same time the judiciary and other branches of government were accused of not doing their job. How can the state fight terrorism effectively without being brutal?*

P. S. You have seen Punjab and so have I. The civil administration had collapsed. You, Shekhar Gupta and many others have written articles on this. There was the police, paramilitary forces and the Indian army on one side and terrorists on the other, supported by Pakistan. The civil administration and the judiciary had collapsed or withdrawn, while government departments had stopped functioning. The terrorists would issue an order and within the next three days it would be complied with. They prescribed uniforms for schoolchildren, like headgear for boys and *chunnis* (head scarves) for girls. They ordered that they would not be labelled as terrorists but addressed with respectable names, and the honorific '*Sant*' should be used for Jarnail Singh Bhindranwale. The present generation cannot visualise that scenario.

As Inspector General (IG) BSF, I was staying in a fortified campus in Jalandhar, and every time I moved out, I would tell myself, 'You might not come back today'. I was quite a headstrong, maybe even foolhardy, person. Every officer of IG and above was entitled to a bulletproof vehicle. I said, what about my escort and trailing vehicles that are covering my path, without bulletproof protection? So, I never took a bulletproof car in my tenure. Unlike others, I used a beacon at night and often conducted my operations after it was dark. Those days, anybody, including police officers, could be attacked or killed. SPs and DIGs (Deputy Inspector Generals) were being eliminated. An authentic intelligence report said they were planning to attack my house with rockets and

kidnap my sons. And in such situations, certain extraordinary methods will have to be applied. No force in the world then goes by the letter of the law (in terrorism situations). The Americans justify it as collateral damage. There will have to be some adjustments in your functioning, without being brutal, without being tyrannical. And this is the strategy which we adopted in Terai. We tried to win over the hearts and minds of the people. In Punjab, there were two types of excesses. If you are in the middle of a shower of bullets or IED (improvised explosive device) blasts, someone may get hit by mistake. If it is without mala fide, then that has to be condoned. But deliberate acts cannot be condoned.

In Jammu and Kashmir, I warned my officers not to do anything mala fide. I told them that if I heard of anyone indulging in three types of activity, I would take the most stringent action even before the central government or the human rights groups would come for you. The first and foremost of these things was cold-blooded killings; the second, misbehaviour, molestation or rape of a woman; and third, misappropriation of property. But if they killed some innocents in a crossfire without a mala fide intention, I would try and save them. Please remember that the entire strength of the Pakistani state was determined to ensure that this rebellion was successful and that Indian Punjab broke away from India to avenge the liberation of Bangladesh. This was not an ordinary situation. With god's grace, I got an idea: what if we fenced the border? I mooted the idea with then Governor Siddhartha Shankar Ray and the Home Ministry, while bypassing BSF Headquarters. The Governor was fascinated by the idea, and he convinced the then Home Minister, P. Chidambaram, who took it further. He framed what became the Punjab Action Plan, with many layers like fencing, lighting, observation towers, border tracks and more.

I was given the responsibility to execute this. I co-opted Army officers and the Central Public Works Department (CPWD). We got the fence design from the US–Mexico border and from the North Korea–South Korea border. I can say this with full conviction that the fence in Punjab was better than any international fence at the time. It was the best in the world. Later, we intercepted letters from terrorists lamenting about the fence. If we had not stopped, what experts described as the supply

of oxygen from Pakistan, terrorism would have continued for another 5 or 10 years.

V. M. *Let us move to the Northeast, particularly to Manipur. You were long retired by the time the recent incidents of lawlessness occurred. In some ways, the situation was, perhaps, worse than Punjab. Often, the police were not present or their behaviour was partisan.*

P. S. I believe the central government allowed the situation to drift. There was a delay in the imposition of President's rule. The Governor is a good person, but perhaps a man who has dealt with terrorism, insurgency and who knows how to handle communal situations, could have been sent there instead, such as a former police officer or a retired general. I also feel the Prime Minister should have gone to Manipur sooner.

V. M. *Your thoughts on Naxalism and the situation in Jammu and Kashmir.*

P. S. Let us concede that the 'Naxal' problem has been 'solved' to a large extent, but this is bound to come back in the next 5–10 years because corporate groups and large steel companies are reaching Chhattisgarh and taking over Adivasi lands for unbridled mining. They will play hell with the forests and the daily lives of the tribal people. Article 370 (in J&K) has been revoked, but new problems have been created, for instance in Kashmir, by removing statehood, we are antagonising the pro-India people in Kashmir.

V. M. *Do you think a political solution is more important for solving big problems and meeting the aspirations of local people?*

P. S. You have to handle the situation politically and show your sincerity about meeting the genuine aspirations of the people. I had earlier given a suggestion when the 'Naxals' were on the back foot. I said a lot of underground militants will come overground if you declare a unilateral ceasefire. We could have got them to surrender and also rehabilitated them. We could have avoided so many killings if we had done that. I have talked to at least 100 people. Every Naxal has a story of a grievance. That grievance may be real or imaginary, but they are our own people. What happened in Haryana during the agitation for

Jat reservation? According to the *Tribune*, property worth over Rs 20,000 crore was destroyed or damaged.[6] This happened because the police did not fulfil their responsibility. They locked up the police stations and fled while looting of property continued. Is that the way to handle a situation?

V. M. *Coming back to the 'Prakash Singh judgement', we know it has not been implemented in letter and spirit, and it may not be for a long time. What needs to be done now when we are talking about 'Viksit Bharat'?*

P. S. I am convinced that it is a historical process and it will have its maturity, fruition and finality one day. That day may take another five or 15 years. But it has to happen, maybe under pressure of public opinion. What we can do is to keep the flame burning. On the one hand, we are sending private rockets into space, launching *Chandrayaan* and solar missions, and on the other we are running our police on colonial lines. A developed India means a tremendous economic superstructure, but that would require a solid foundation of good law and order. If its foundations are built on sand, it will collapse any day. The country needs a good, professional police force that will stand up to any challenge.

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NOTES

1. 'Supreme Court of India, *Prakash Singh and Ors vs Union of India and Ors* on 22 September 2006', https://indiankanoon.org/doc/1090328/ (accessed 6 August 2026).
2. 'The Police Act, 1861', https://indiankanoon.org/doc/1612841/ (accessed 8 August 2026).
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4. *India Today,* 'Antilia case: NIA Court Frames Charges Against Sachin Vaze, Pradeep Sharma, Others', 5 August 2026, https://www.indiatoday.in/india/story/antilia-bomb-scare-mansukh-hiran-murder-case-charges-framed-against-sachin-vaze-pradeep-sharma-ptag-2961440-2026-08-01 (accessed 8 August 2026).
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